

R E M A R K S

Claims 1-3, 5, 7, 9, 11-14, 16, 18, 21, 24, 29-30, 34, 37, 51, 54-56, 58-59, and 62-64 are in the case. Claims 6, 26, 40, and 47 have been cancelled without prejudice or disclaimer. Due to the cancellation of these four claims, it is believed that no fees are due for the four new claims. The amendment to Claim 1 corrects a clerical error so that "magnesium tetrakis(^Faryl)borate" now reads "magnesium di[tetrakis(^Faryl)borate]". Support for this amendment to Claim 1 is found in the Specification at least at Page 13, paragraph 0034 and Page 4, paragraph 0013. New Claims 62-65 find support in Example 1 and in the Specification at Page 4, paragraph 0013.

Rejection under §103(a)

Claims 1-3, 5-7, 9, 11-14, 16, 18, 21, 24, 26, 29-30, 34, 37, 40, 47, 51, 54-56, and 58-59 stand rejected under 35 U.S.C. §103(a) as obvious over Lee (1) (U.S. 6,388,138), Lee et al. (U.S. 6,162,950), Lee (2) (U.S. 6,169,208), or Rosen et al. (U.S. 5,919,983). For the record, Applicants note that Lee (2) is a division of Lee (1). Applicants respectfully request reconsideration of this rejection.

The present claims are not obvious over any of the cited references. Following the process as taught in any of the cited references would not of itself cause one of ordinary skill in the art to arrive at the presently claimed invention, as suggested on Page 4 of the Office Action. Each of the cited references describes a synthesis of protic ammonium salts of borates. In each of the syntheses in the cited references, a protic ammonium salt is formed from an amine and a protic acid, and then the ammonium salt is combined with the borate. In contrast, the presently claimed invention is directed to syntheses in which an amine and a borate are combined, followed by addition of the protic acid, to form the protic ammonium salt of the borate.

Furthermore, unexpected results have been obtained in the present case. As mentioned in the Specification at Page 3, at paragraph 0011, the claimed order of addition allows nearly stoichiometric amounts of both the amine and the protic acid to be used, without decreasing the product yield. As illustrated in the Table below, in the present case high yields were obtained with small excesses of the amine and the protic acid. In contrast, high yields were obtained in Lee (1) and (2) and in Lee et al. by using

significantly greater excesses of the ammonium salt. In Example 9 of Lee (1) and Lee (2) and in Example 6 of Lee et al., the use of a stoichiometric amount of the ammonium salt resulted in lower yields.

TABLE

Present case	Ex. 1	Ex. 2	Ex. 3	Ex. 10
Excess acid [*]	12%	10%	10%	8%
Excess amine ^{**}	7%	6.6%	5%	3%
Yield	95% (isolated)	95% (isolated)	88% (isolated)	92%
Lee(1):	Ex. 1	Ex. 2	Lee et al.:	Ex. 5
Excess ammonium	88%	60%		20%
Yield	86-89%	95% (isolated)		70.5% (isolated)

* The excess acid is relative to the moles of borate anion.

** The excess amine is relative to the moles of borate anion.

In light of the foregoing remarks, the case is believed to be in condition for allowance. Prompt notification to this effect would be sincerely appreciated.

If any matters remain that require further consideration, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Please continue to address all correspondence in this Application to Albemarle Corporation at the address of record.

Respectfully submitted,

/Mary H. Drabnis/

Mary H. Drabnis
Reg. No. 45,909
McGlinchey Stafford PLLC
4703 Bluebonnet Boulevard
Baton Rouge, LA 70809
Telephone: 225-291-4600
Facsimile: 225-291-4606